

FEB 12 2015

## SENATE CONCURRENT RESOLUTION

REQUESTING THE PRESIDENT OF THE UNITED STATES USE HIS POWER  
UNDER THE TAFT-HARTLEY ACT TO PUT THE PARTIES BACK TO WORK  
FOR A COOLING OFF PERIOD IN THE WEST COAST PORTS PMA AND  
ILWU LABOR DISPUTE.

1 WHEREAS, the Labor Management Relations Act of 1947, 29  
2 U.S.C. § 401-531, enacted June 23, 1947, better known as the  
3 Taft-Hartley Act, is a United States federal law that provides  
4 the President of the United States with the power to put people  
5 back to work during a labor dispute for a cooling off period by  
6 way of injunction; and

7  
8 WHEREAS, the Taft-Hartley Act's intent includes that its  
9 purpose and policy is "...to promote the full flow of commerce,  
10 to prescribe the legitimate rights of both employees and  
11 employers in relations affecting commerce, ...and to protect the  
12 rights of the public in connection with labor disputes affecting  
13 commerce"; and

14  
15 WHEREAS, the Taft-Hartley Act also provides that whenever,  
16 in the opinion of the President of the United States, a  
17 threatened or actual strike or lock-out affecting a substantial  
18 part of an industry engaged in trade will, if permitted to occur  
19 or continue, imperil the national health and safety, the  
20 President may appoint a board of inquiry (29 U.S.C. §176), and  
21 upon receiving a report may direct the Attorney General of the  
22 United States to petition a court to enjoin such strike or lock-  
23 out (29 U.S.C. §178) and then the parties have a duty to make  
24 every effort to adjust or settle their differences; and

25  
26 WHEREAS, in May 2014 negotiations began between Pacific  
27 Maritime Association (PMA) representing the employers and  
28 International Longshore Warehouse Union (ILWU) representing the  
29 employees and on July 1, 2014, the "Coast Contract" terminated  
30 and the parties have been operating and working without a



1 contract, and without a contract the parties are not obligated  
2 to attend arbitration; and  
3

4 WHEREAS, on October 30, 2014, the ILWU began withholding  
5 certain skilled labor positions including machine operators  
6 which led to congestion in terminal operations, and as result  
7 the PMA gave notice that slowdown had begun, and on December 30,  
8 2014, PMA members ended all night work loading and discharging  
9 as container yards had become congested; and  
10

11 WHEREAS, on January 12, 2015, the PMA gave notice terminals  
12 approaching "brink of gridlock" and on January 19, 2015, the PMA  
13 cancelled all day work loading and discharging for one day, with  
14 work resuming on Tuesday, January 20<sup>th</sup>, 2015; and  
15

16 WHEREAS, on January 20, 2015, Seattle Terminal #18 operated  
17 by Stevedoring Services of America (SSA) terminated all  
18 afternoon work due the labor dispute and Matson Inc. is a 35%  
19 owner of SSA terminal; and  
20

21 WHEREAS, on January 21, 2015, the Port of Los Angeles  
22 reported container terminals at 95 to 97% of capacity and 80%  
23 utilization is considered optimal before service degrades; and  
24

25 WHEREAS, there are twenty-nine ports up and down the U.S.  
26 West Coast and 50% of all U.S. containerized freight passes  
27 through the U.S. West Coast ports; and  
28

29 WHEREAS, the west coast freight represents 12.5% of the  
30 United State Gross Domestic Product (U.S. GDP) and a lock-out or  
31 strike would cost the U.S. economy \$1 to 2 billion per day or  
32 over \$2 trillion of economic impact to the nation; and  
33

34 WHEREAS, west coast freight provides over 9 million jobs  
35 and is over half the trade in the United States; and  
36

37 WHEREAS, there are many containerships at anchor in Los  
38 Angeles, San Francisco Bay and Seattle awaiting berth and Long  
39 Beach has had to increase the number of designated anchors; and  
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41 WHEREAS, on February 4, 2015, the President and Chief  
42 Executive Officer of the PMA, Jim McKenna, gave the employers'



1 first press conference since negotiations began in May 2014 for  
2 renewal of the "Coast Contract," which expired on July 1, 2014,  
3 and said that with congestion at terminals increasing and low  
4 productivity there could be a gridlock at ports and a lock-out  
5 in five to 10 days; and  
6

7 WHEREAS, the PMA has indicated the longshoremen typically  
8 currently average \$147,000 per year, full health coverage of  
9 approximately \$35,000 per year and pensions are \$80,000 and the  
10 PMA has offered to increase average earnings to \$160,000 per  
11 year, full health coverage at approximately \$35,000 per year and  
12 a pension increase of 11% to \$88,800 per year; and  
13

14 WHEREAS, the ILWU has separate contracts in Hawaii and  
15 Alaska, which are typically negotiated after the Coast Contract  
16 is ratified; and  
17

18 WHEREAS, a coast wide lock-out would mean a cessation of  
19 cargo movements through all United States west coast ports  
20 severely impacting Hawaii, Guam, Alaska and American Samoa; and  
21

22 WHEREAS, American Samoa has not had a ship from the west  
23 coast in over one month; and  
24

25 WHEREAS, local Hawaii stores are already feeling the  
26 effects of the slow down with shelves sparse and produce being  
27 disposed of because it is too spoiled to sell; and  
28

29 WHEREAS, a lock-out may result in Hawaii receiving no west  
30 coast freight resulting in a lack of food and basic supplies and  
31 a huge disruption to the economy and severely impacting Hawaii's  
32 tourist sector; and  
33

34 BE IT RESOLVED by the Senate of the Twenty-eighth  
35 Legislature of the State of Hawaii, Regular Session of 2015, the  
36 House of Representatives concurring, that this body respectfully  
37 requests the President of the United States use his power under  
38 the Taft-Hartley Act to appoint a board, obtain a report, and  
39 put the parties back to work for a cooling off period by way of  
40 injunction; and  
41



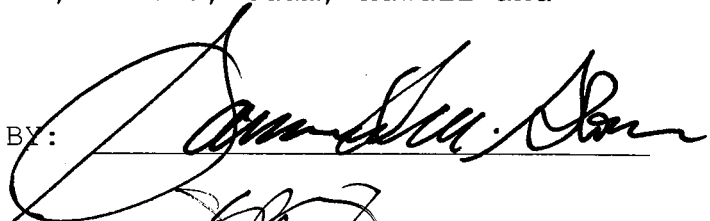
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BE IT FURTHER RESOLVED that Hawaii's congressional delegation is urged to work individually with their colleagues from Hawaii, Alaska, Guam and Puerto Rico and all west coast states to use the power of their positions to encourage the President of the United States to act; and

BE IT FURTHER RESOLVED that Hawaii Governor David Ige is urged to write to the President of the United States and express how serious a lock-out will be for Hawaii in the short and long term and encourage the President of the United States to use his power under the Taft-Hartley Act and put the parties back to work in the west coast ports labor dispute; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, members of Hawaii's congressional delegation, members of Alaska, Guam, and Puerto Rico's congressional delegations, and the Governors of Washington, Oregon, California, Alaska, Guam, Hawaii and Puerto Rico.

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